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In re the Application of

Frederick A. GAGE et al.

Group Art Unit: 1651

Application No.: 09 938,597

Examiner: R. Davis

Filed: August 27, 2001

Docket No.: 106996

For: METHODS OF THROMBOLYTIC ORGAN TREATMENT AND REPAIR

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the July 1, 2003 Restriction Requirement, Applicants provisionally elect Group I, claims 1-20, with traverse.

The Restriction Requirement asserts that Groups I and II are directed to different inventions that are not connected in design, operation, and/or effect. Applicants respectfully submit that the Restriction Requirement at least between Group I and Group II is improper and should be withdrawn.

The Restriction Requirement is traversed because the claims of Group II are directed to a species of the claims of Group I. In particular, claim 1 (Group I) is directed to a method of treating an organ with a thrombolytic agent and claim 21 (Group II) is directed to a method of treating a kidney with a thrombolytic agent. Accordingly, search and examination of the subject matter of Group I would necessarily encompass a search for the subject matter of Group II. No additional burden would be imposed upon the Examiner.

It is also respectfully submitted that the subject matter of all claims 1-43 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: August 26, 2003

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